

REMARKS

Claims 1, 3-4, 6-13, 15-16 and 18-24 are pending in the application and all stand rejected.

This is an earnest attempt to show that all pending claims are in proper form for immediate allowance. Reconsideration and allowance of all pending claims is respectfully requested in view of the following:

Responses to Rejections to Claims – 35 U.S.C. §102

Claims 1, 3-4, 6-13, 15-16 and 18-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Massie et al (U.S. Patent No. 6,144,114) (Massie hereinafter). This rejection is not applicable to the amended claims.

The USPTO provides MPEP §2131 that: “To anticipate a claim, the reference must teach every element of the claim.”

Therefore, to support these rejections with respect to claim1, Massie must contain all of the above-claimed elements. However, this reference, at least, does not disclose “a switching circuit coupled to the first battery, the second battery and the system board, for repeatedly switching between the first battery and the second battery for supplying power to the system board, the switching circuit receiving only one input from the first battery and only one input from the second battery, each battery supplying a peak amount of current for periods of time during which the switching circuit has connected one of the batteries for supplying current while, simultaneously, the other of the batteries supplies no current whereby, in the aggregate, the batteries maintain a continuous supply of peak current to the system”, as recited in independent claim 1 and defined throughout the specification and figures of the pending application.

The Office Action mailed May 23, 2008 states on page 5 that “Applicant’s arguments filed on Mar. 27, 2008 have been fully considered but they are not persuasive. . .” This statement is respectfully traversed because the Examiner has changed the rejection from the previous Office Action (the Final Office Action mailed February 6, 2008) to the current Office Action mailed May 23, 2008 in light of the amendments made to the pending claims. Specifically, the rejection of the February 6, 2008 Office Action stated that “Controller C of Fig. 1” of Massie discloses “a switching circuit coupled to the first battery.” See Office Action mailed February 6, 2008, page 2, paragraph 3. To the contrary, the rejection of the May 23, 2008 Office Action states that the gating circuits “GT_A and GT_B” of Massie disclose “a switching circuit coupled to the first battery the second battery and the system board.” See Office Action mailed

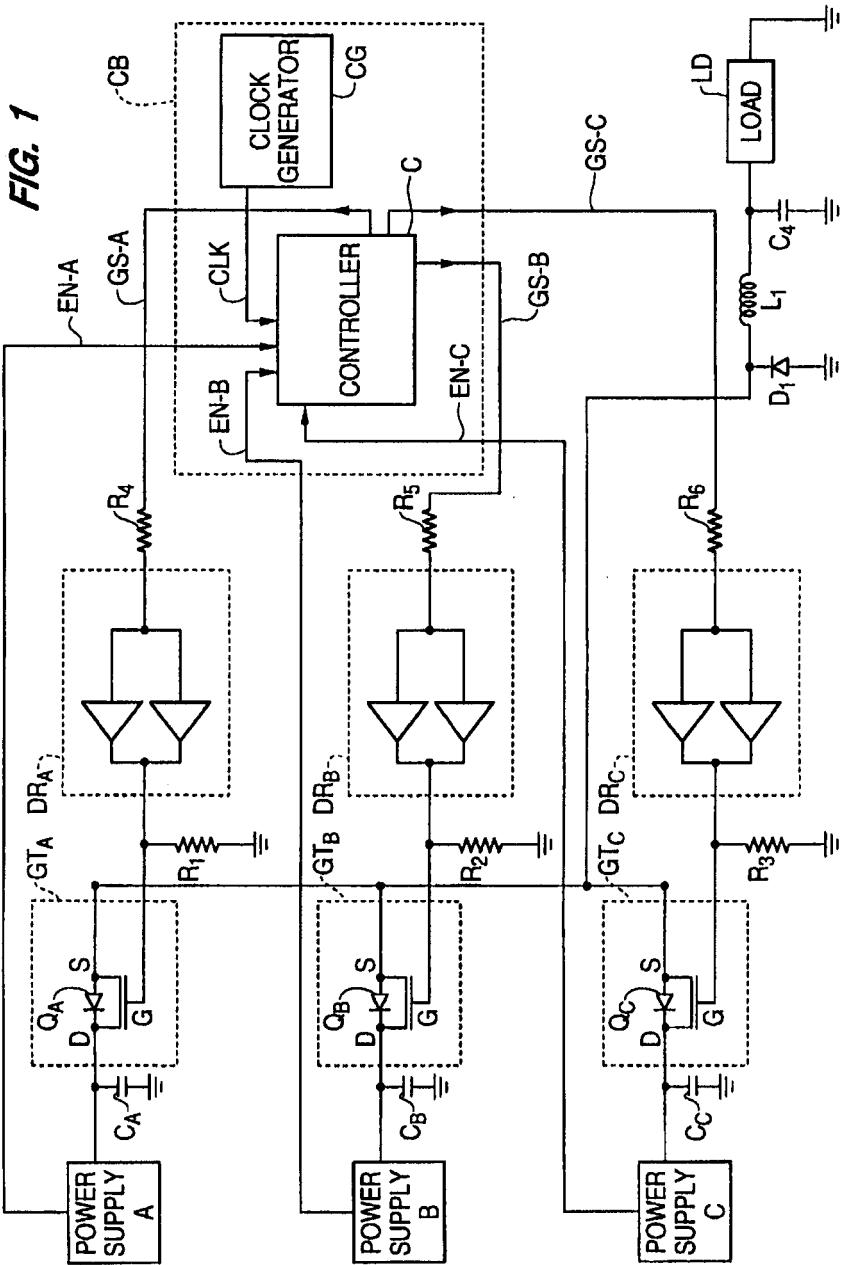
May 23, 2008, pages 2 and 3, paragraph 4. However, in either case, Massie fails to disclose or suggest all of the elements as recited in pending claim 1. Fig. 1 of Massie is provided below.

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If, for sake of argument, the controller C of Massie can be considered as disclosing “a switching circuit coupled to the first battery” as in the Office Action of February 6, 2008, then Massie fails, at least, to disclose or suggest “the switching circuit receiving only one input from the first battery and only one input from the second battery.” A thorough discussion of this may be found in the previous response filed on April 29, 2008.

If, for sake of argument, the gating circuit GT_A of Massie can be considered as disclosing “a switching circuit coupled to the first battery” and the gating circuit GT_B of Massie can be considered as disclosing “a switching circuit coupled to the second battery”, then it is submitted that Massie fails, at least, to disclose or suggest “a switching circuit coupled to the first battery the second battery and the system board.” As recited in claim 1, any disclosed switching circuit would need to be coupled with the first battery AND the second battery AND the system board. However Massie teaches that gating circuit GT_A and circuit GT_B are isolators “provided for each power supply of the plurality of power supplies for selectively blocking/passing an output power from the power supply . . . for passing an output power of each power supply for a predetermined time, such that different groups . . . of the plurality of power supplies supply output power to a load at different times.” Abstract of Massie. In other words, the isolator gating circuit GT_A is not coupled to power supply B and the isolator gating circuit GT_B is not coupled to power supply A. See Massie Col. 1, line 24 – Col. 2, line 19. Therefore, under this rejection Massie, at least, does not disclose “a switching circuit coupled to the first battery, the second battery and the system board, for repeatedly switching between the first battery and the second battery for supplying power to the system board, the switching circuit receiving only one input from the first battery and only one input from the second battery, each battery supplying a peak amount of current for periods of time during which the switching circuit has connected one of the batteries for supplying current while, simultaneously, the other of the batteries supplies no current whereby, in the aggregate, the batteries maintain a continuous supply of peak current to the system”, as is recited in independent claim.

In view of the above, it is clear that in either interpretation of Massie presented in the rejections discussed above, Massie fails to disclose or suggest all of the elements of the pending claims. As a result, the previous rejections based on 35 U.S.C. 102(b) cannot be supported by Massie as applied to claim 1 and its dependent claims. Therefore, a notice of allowance of claim 1 and its dependent claim is respectfully requested.

Independent claims 13 and 24 recite elements similar to that of independent claim 1 discussed above. Thus, it is submitted that independent claims 13 and 24 are allowable as for,

at least, the same reasons. Therefore, a notice of allowance of claims 13 and 24 and their dependent claims is respectfully requested.

Responses to Rejections to Claims – 35 U.S.C. §103

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Massie. This rejection is not applicable to the amended claims.

Claim 12 depends from and further limits independent claim 1. As discussed above with respect to the 35 U.S.C. 102 rejection, independent claim 1 is submitted to be allowable. As such, it is also submitted that claim 12 is allowable as depending from an allowable claim. Therefore, a notice of allowance of claim 12 is respectfully requested.

Therefore, independent claims 1, 13 and 24 and their respective dependent claims are submitted to be allowable.

In view of all of the above, the allowance of all pending claims is respectfully requested.

The Office Action contains characterizations of the claims and the related art to which the Applicant does not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

The amended claims are amended herein in order to expeditiously advance prosecution of this application. The amendments do not necessarily provide an indication that Applicants agree with any conclusions set forth in the Office Action regarding patentability of the claims including that a prima facie rejection is established by the references.

The amended claims are supported by the original application.

The Examiner is invited to call the undersigned at the below-listed telephone number if a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,


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on	<u>August 11, 2008</u>
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